

GERRY KRAMER,  
  
Plaintiff,  
  
v.  
  
MICHAEL J. ASTRUE,  
Commissioner of Social Security,  
  
Defendant.

This matter is before the Court pursuant to the Report and Recommendation of United States Magistrate Judge Audrey G. Fleissig filed January 19, 2010. See 28 U.S.C. § 636(b). The Magistrate Judge recommended that the Court grant the Commissioner's motion to reverse the decision of the Commissioner and remand the case for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Specifically, upon remand by the Court, the Appeals Counsel will remand the case to an Administrative Law Judge, who will be directed to (1) hold an administrative hearing and further evaluate the impact of plaintiff's mental impairment on his residual functional capacity, and (2) obtain evidence from a vocational expert to clarify the effect of all assessed impairments and resulting limitations on plaintiff's occupational base. Neither party has filed an objection to the recommendation.

After careful review of the matter, the Court concurs with the recommendation of the Magistrate Judge that the Commissioner's decision in this matter should be reversed and this case remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).


Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the United States Magistrate Judge is **sustained, adopted** and **incorporated** herein. [Doc. 13]

**IT IS FURTHER ORDERED** that the decision of the Commissioner is **REVERSED**.

**IT IS FURTHER ORDERED** that pursuant to sentence four of 42 U.S.C. § 405(g), this case is **REMANDED** to the Commissioner for further proceedings consistent with the Report and Recommendation.

An appropriate judgment of remand will accompany this order.

  
**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 3rd day of February, 2010.